

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1021**

Introduced by Chambers, 11

Read first time January 6, 2000

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political accountability and disclosure; to  
2 amend sections 49-1423, 49-1489, 49-1490, and 49-1496,  
3 Reissue Revised Statutes of Nebraska, and sections  
4 49-1401 and 49-1493, Revised Statutes Supplement, 1999;  
5 to change provisions relating to filings required by  
6 lobbyists and principals and statements of financial  
7 interests; to require reporting of certain gifts; to  
8 harmonize provisions; and to repeal the original  
9 sections.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 49-1401, Revised Statutes Supplement,  
2 1999, is amended to read:

3           49-1401. Sections 49-1401 to 49-14,141 and sections 5  
4 and 8 of this act shall be known and may be cited as the Nebraska  
5 Political Accountability and Disclosure Act. Any reference to  
6 sections 49-1401 to 49-14,138 shall be construed to include  
7 sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August  
8 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be  
9 construed to include sections 49-14,123.01 and 49-14,140.

10          Sec. 2. Section 49-1423, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12          49-1423. ~~With the exception of sections 49-1480 to~~  
13 ~~49-1492, gift as used in sections 49-1401 to 49-14,138~~ Gift shall  
14 mean a payment, subscription, advance, forbearance, rendering, or  
15 deposit of money, services, or anything of value, unless  
16 consideration of equal or greater value is given therefor. Gift  
17 shall not include a campaign contribution otherwise reported as  
18 required by law, a commercially reasonable loan made in the  
19 ordinary course of business, or a gift received from a member of  
20 the individual's immediate family or from a relative.

21          Sec. 3. Section 49-1489, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23          49-1489. Each lobbyist shall obtain and preserve all  
24 accounts, bills, receipts, books, papers, and documents necessary  
25 to substantiate the statements required to be made pursuant to  
26 section 49-1483 for three years after the report containing those  
27 items is filed. These records shall be made available for  
28 inspection upon request by the commission after reasonable notice.

1 Nothing in this section shall require that a receipt for any food  
2 and drink expenditure be kept if such expenditure is in an amount  
3 of less than twenty-five dollars.

4 Sec. 4. Section 49-1490, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 49-1490. (1) No principal, lobbyist, or person acting on  
7 behalf of either shall within one calendar month give any gift or  
8 gifts with a total value of more than fifty dollars to the  
9 following:

10 (a) An official or employee in the executive branch of  
11 state government;

12 (b) An official or employee in the legislative branch of  
13 state government; or

14 (c) A member of the immediate family of an official in  
15 the executive or legislative branch of state government.

16 (2) No official or employee in the executive or  
17 legislative branch of state government shall within one calendar  
18 month solicit or accept from a principal, lobbyist, or person  
19 acting on behalf of either any gift or gifts with a total value of  
20 more than fifty dollars.

21 (3) No member of the immediate family of an official in  
22 the executive or legislative branch of state government shall  
23 within one calendar month solicit or accept from a principal,  
24 lobbyist, or person acting on behalf of either any gift or gifts  
25 with a total value of more than fifty dollars.

26 (4) Any person who violates this section shall be guilty  
27 of a Class III misdemeanor. (1) A principal, lobbyist, or anyone  
28 acting on behalf of either shall not give a gift to any official or

1 member of any official's staff in the executive or legislative  
2 branch of state government or any member of an official's immediate  
3 family. Any person who knowingly gives a gift in violation of this  
4 subsection shall be guilty of a Class III misdemeanor.

5           (2) An official or any other person on his or her behalf  
6 in the legislative or executive branch of state government or a  
7 member of such official's staff or immediate family shall not  
8 solicit or accept a gift in violation of subsection (1) of this  
9 section. Any person who knowingly solicits or accepts a gift in  
10 violation of this subsection shall be guilty of a Class III  
11 misdemeanor.

12           (3) As used in sections 49-1480 to 49-1492, gift shall  
13 mean a payment, subscription, advance, forbearance, or honorarium  
14 or the rendering or deposit of money, services, or anything of  
15 value, the value of which exceeds fifty dollars in any one-month  
16 period, unless consideration of equal or greater value is received  
17 therefor. Gift shall not include:

18           (a) A campaign contribution otherwise reported as  
19 required by law,

20           (b) A commercially reasonable loan made in the ordinary  
21 course of business,

22           (c) A gift received from a member of the person's  
23 immediate family, a relative, or the spouse of any such relative,

24           (d) A breakfast, luncheon, dinner, or other refreshments  
25 consisting of food and beverage provided for immediate consumption,

26           (e) Admissions to state-regulated industries, facilities,  
27 or events, or

28           (f) The occasional provision of transportation within the

1 ~~State of Nebraska to an officeholder.~~

2           Sec. 5. (1) Any principal, lobbyist, or person acting on  
3 behalf of either who gives a gift to an official or employee in the  
4 executive branch, an official or employee in the legislative  
5 branch, or a member of the immediate family of an official in the  
6 executive or legislative branch of state government shall report  
7 the gift to the commission on a form prescribed by the commission.

8           (2) The report shall be filed with the commission within  
9 fourteen days after the gift is given. The report shall include  
10 the following:

11           (a) The name of the person giving the gift and the name  
12 of the principal or lobbyist on whose behalf the gift is given;

13           (b) A description of the gift;

14           (c) The value of the gift; and

15           (d) The name and title of the recipient of the gift.

16           (3) Any person who violates this section shall be guilty  
17 of a Class III misdemeanor.

18           Sec. 6. Section 49-1493, Revised Statutes Supplement,  
19 1999, is amended to read:

20           49-1493. The individuals listed in subdivisions (1)  
21 through (11) of this section shall file with the commission a  
22 statement of financial interests as provided in sections 49-1496  
23 and 49-1497 for the preceding calendar year on or before April 1 of  
24 each year in which such individual holds such a position. An  
25 individual who leaves office shall, within thirty days after  
26 leaving office, file a statement covering the period since the  
27 previous statement was filed. Disclosure of the interest named in  
28 sections 49-1496 to 49-1498 shall be made by:

1           (1) An individual holding a state executive office as  
2 provided in Article IV of the Constitution of Nebraska, including  
3 the Governor, the Lieutenant Governor, the Secretary of State, the  
4 Auditor of Public Accounts, the State Treasurer, the Attorney  
5 General, the Tax Commissioner, and the heads of such other  
6 executive departments as set forth in the Constitution or as may be  
7 established by law;

8           (2) An individual holding the office of Commissioner of  
9 Education, member of the State Board of Education, member of the  
10 Board of Regents of the University of Nebraska with the exception  
11 of student members, or member of the Coordinating Commission for  
12 Postsecondary Education;

13           (3) A member of the Board of Parole;

14           (4) A member of the Public Service Commission;

15           (5) A member of the Legislature;

16           (6) A member of the board of directors or an officer of a  
17 district organized under the provisions of Chapter 70;

18           (7) A member of any board or commission of the state or  
19 any county which examines or licenses a business or which  
20 determines rates for or otherwise regulates a business;

21           (8) A member of a land-use planning commission, zoning  
22 commission, or authority of the state or any county with a  
23 population of more than one hundred thousand inhabitants;

24           (9) An elected official of a city of the primary or  
25 metropolitan class;

26           (10) An elected county official; and

27           (11) An official or employee of the state designated by  
28 rules and regulations of the commission who is responsible for

1 taking or recommending official action of a nonministerial nature  
2 with regard to:

- 3 (a) Contracting or procurement;  
4 (b) Administering or monitoring grants or subsidies;  
5 (c) Land-use planning or zoning;  
6 (d) Inspecting, licensing, regulating, or auditing any  
7 person; or  
8 (e) Any similar action.

9 Sec. 7. Section 49-1496, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 49-1496. (1) The statement of financial interests filed  
12 pursuant to sections 49-1493 to 49-14,104 shall be on a form  
13 prescribed by the commission.

14 (2) Individuals required to file under sections 49-1493  
15 to 49-1495 shall file the following information for themselves:

16 (a) The name and address of and the nature of association  
17 with any business with which the individual was associated and any  
18 entity in which a position of trustee was held during the preceding  
19 year;

20 (b) The name, address, and nature of business of a  
21 person, including a government, political subdivision, or body  
22 corporate, from whom any income in the value of one thousand  
23 dollars or more was received during the preceding year and the  
24 nature of the services rendered. If income results from employment  
25 by, operation of, or participation in a proprietorship,  
26 partnership, limited liability company, professional corporation or  
27 business or nonprofit corporation, or other person, the person may  
28 list the proprietorship, partnership, limited liability company,

1 professional corporation or business or nonprofit corporation, or  
2 other person as the source and not the patrons, customers,  
3 patients, or clients of the proprietorship, partnership, limited  
4 liability company, professional corporation or business or  
5 nonprofit corporation, or other person;

6 (c) A description, but not the value, of the following,  
7 if the fair market value thereof exceeded one thousand dollars: The  
8 nature and location of all real property in the state, except the  
9 residence of the individual; the depository of checking accounts  
10 and savings accounts; the issuer of stocks, bonds, and government  
11 securities; and a description of all other property owned or held  
12 for the production of income, except property owned or used by a  
13 business with which the individual was associated;

14 (d) The name and address of each creditor to whom the  
15 value of one thousand dollars or more was owed or guaranteed by the  
16 filer or a member of the filer's immediate family. Accounts  
17 payable, debts arising out of retail installment transactions or  
18 from loans made by financial institutions in the ordinary course of  
19 business, loans from a relative, and land contracts that have been  
20 properly recorded with the county clerk or the register of deeds  
21 need not be included;

22 (e) The name, address, and occupation or nature of  
23 business of any person from whom a gift in the value of more than  
24 ~~one hundred~~ fifty dollars was received, a description of the gift,  
25 the approximate monetary value of the gift, and the circumstances  
26 of each the gift; ~~• The definition of gift is as set forth in~~  
27 ~~section 49-1423,~~ and

28 (f) Such other information as the person required to file



1 the statement or the commission deems necessary, after notice and  
2 hearing, to carry out the purposes of the Nebraska Political  
3 Accountability and Disclosure Act.

4           Sec. 8. (1) Any person who gives a gift to an individual  
5 listed in subdivisions (1) through (5) of section 49-1493 shall  
6 report the gift to the commission on a form provided by the  
7 commission. The report shall be filed with the commission within  
8 fourteen days after the gift is given.

9           (2) The report shall include the following:

10           (a) The name of the giver;

11           (b) A description of the gift;

12           (c) The value of the gift; and

13           (d) The name and address of the recipient of the gift.

14           (3) Any person who violates this section shall be guilty  
15 of a Class III misdemeanor.

16           Sec. 9. Original sections 49-1423, 49-1489, 49-1490, and  
17 49-1496, Reissue Revised Statutes of Nebraska, and sections 49-1401  
18 and 49-1493, Revised Statutes Supplement, 1999, are repealed.